

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41691 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -MADHUBANI TOWN District- MADHUBANI

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1. ASHRAF @ GODIWALA @ MD. ASHARAF Son of Md. Gulam Rasul
Resident of Village-Laxmi Sagar Bhowara, Police Station-Madhubani,
District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 05-10-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 411, 413, 414, 401 and 120 (B) of the
I.P.C

Allegedly, on suspicion the police apprehended two
boys who disclosed their names as Md. Wasim and Md. Ashraf
and they also confessed their guilt that they committed theft of
LED TV and other house hold articles in the night of 13.01.2016
in the Vidyapati Colony and also disclosed the names of their
associates including the petitioner and further submitted that their
associates entered into the house of the colony and thereafter

police reached and apprehended Ajay Ram, Md. Shamshad and the petitioner and from the house of the petitioner black colour C.P.U of computer of Intex company, black coloured key board of Cumin company, Screen touch mobile of Samsung company and two water tap were recovered and the petitioner has confessed his guilt regarding theft of the articles.

Submission is of false implication and that the petitioner is in custody since 03.02.2016, nothing has been recovered from his conscious possession, the police has implanted those recovery only with a view to implicate the petitioner, other co-accused Vikash Ram has been allowed pre-arrest bail, whereas, Md. Ashraf @ Kari has been allowed regular bail.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent which is mentioned in the FIR also.

In the facts and circumstances as stated above, considering custody of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Madhubani in Madhubani Town P.S. Case No. 29 of 2016/ G.R. No. 199 of 2016, subject to the conditions that one of the bailors must be a near relative and another having

sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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